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Human rights defenders

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the present report submitted by the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, in accordance with General Assembly resolution 62/152.

* A/63/150 and Corr.1.

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Report of the Special Rapporteur on the situation of human rights defenders

Summary

The present report, the first submitted by the Special Rapporteur, focuses on her vision and her priorities with regard to her mandate. It reviews the terms of reference of that mandate, as outlined in resolution 7/8 of the Human Rights Council, and describes the working methods of the Special Rapporteur and briefly presents the activities carried out by the Special Rapporteur during the first months of her tenure.

The Special Rapporteur presents the vision that will guide her activities and shape her approach to her mandate. She indicates the following priority areas for her future actions: (a) analysis of trends and challenges concerning defenders, to be carried out on a regular basis; (b) attention to defenders most exposed to attacks and violations; (c) analysis of the obstacles and challenges to defenders' exercise of the rights set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, particularly freedom of association and freedom of peaceful assembly; (d) the development, together with interested Governments, national institutions, regional mechanisms on human rights defenders, diplomatic representatives and relevant branches of international and regional organizations, of measures to enhance the protection measures provided to defenders, including by (e) strengthening follow-up to individual cases brought to her attention, in particular by (f) enhancing collaboration with stakeholders, including Governments, human rights communities at the national, regional and international levels, regional mechanisms for the protection of human rights defenders, national institutions, diplomatic communities, field presences of the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights components of United Nations country teams and peacekeeping missions, media, treaty bodies and other special procedures mechanisms, and (g) attention to how the Universal Periodic Review of the Human Rights Council evolves with a view to formulating recommendations aimed at making the review an effective mechanism for assessing the situation of human rights defenders.

The Special Rapporteur considers the establishment and strengthening of regional mechanisms for the protection of human rights defenders to be a fundamental step in improving the situation of defenders. Regional mechanisms include the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights, the Unit for Human Rights Defenders within the secretariat of the Inter-American Commission on Human Rights, the Office of the Commissioner for Human Rights of the Council of Europe, the Focal Point for Human Rights Defenders and National Human Rights Institutions within the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Her collaboration with existing and future regional mechanisms will be a priority.

While the core function of her mandate is the protection of human rights defenders, the Special Rapporteur will place greater emphasis on the promotion aspect of her role by focusing on good practices related to the protection of defenders and the promotion of the defence of human rights and by popularizing the

Declaration. As a contribution to the popularization of the Declaration, and inspired by the tenth anniversary of that instrument, the Special Rapporteur annexes to the present report a number of key messages outlining principles and positions concerning defenders and the Declaration, which can be used in awareness-raising and outreach activities to mark that occasion. She encourages all Governments and other stakeholders to organize initiatives to celebrate the anniversary and suggests concrete measures to that end, such as the translation of the Declaration into national languages and its dissemination.

Report of the Special Rapporteur on the situation of human rights defenders

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I. Introduction

1. The present report is the first submitted to the General Assembly by the Special Rapporteur on the situation of human rights defenders and the eighth submitted in fulfilment of the mandate on the situation of human rights defenders since its establishment in 2000. The report is submitted pursuant to General Assembly resolution 62/152.

2. The mandate on the situation of human rights defenders was reviewed by the Human Rights Council at its seventh session, in March 2008, when the new Special Rapporteur was appointed. She took up her functions on 1 May 2008.

3. The Special Rapporteur inherits the achievements made over the previous eight years of the mandate's existence and the remarkable accomplishments of the previous mandate holder, which included: (a) the presentation of 34 reports, including 21 to the Commission on Human Rights, 7 to the General Assembly and 6 to the Human Rights Council; (b) 14 country visits to 12 countries, namely, Angola, Brazil, Colombia, Guatemala (visited twice), Indonesia, Israel and the occupied Palestinian territories, Kyrgyzstan, Nigeria, Serbia (including Kosovo), Thailand, the former Yugoslav Republic of Macedonia (visited twice) and Turkey; (c) more than 2,100 communications to some 120 countries on the situation of more than 3,600 defenders, 22 per cent of whom were women; (d) the issuance of more than 40 press releases raising concerns about the situation of human rights defenders in some 30 countries; and (e) a country-by-country compilation of developments in the area of human rights defenders, covering 118 countries (E/CN.4/2006/95/Add.5).

4. Those figures alone tell much about the achievements made over the first eight years of the mandate's existence. These include: lending visibility to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereinafter "the Declaration on human rights defenders") and to the situation of human rights defenders, their important work and the recognition and protection that it deserves; contributing to the protection of thousands of human rights defenders throughout the world; developing a knowledge base concerning the human rights issues and concerns that affect defenders, which has contributed to better understanding of the interlinkages between the situation of human rights defenders and the broader human rights context and of how one affects the other; supporting the establishment of regional mechanisms and the adoption of instruments for the protection of human rights defenders; encouraging the development of networks and coalitions of human rights defenders; including a gender perspective in the work to be carried out under the mandate; and raising awareness about the situation of defenders most exposed to the risk of attacks and violations against them and lending recognition to their human rights activities.

5. Mindful of the accomplishments already achieved in fulfilment of the mandate and with the aim of building and capitalizing on them, the Special Rapporteur devotes her first report to an overview of her vision and her priorities with respect to her mandate. While affirming the independence inherent to the position of a special procedures mandate holder, which implies, inter alia, that the Special Rapporteur is primarily and ultimately responsible for the decisions and the approach that she will take in implementing the mandate entrusted to her, the Special Rapporteur presents the present report in a spirit of transparency and openness to the views and

contributions of all stakeholders, which, she believes, will be of fundamental value in the implementation of her mandate.

6. The report reviews the mandate and the working methods of the Special Rapporteur and briefly presents the activities carried out by the Special Rapporteur during the first months of her tenure, including her vision and her priorities. The report elaborates on two priority areas identified by the Special Rapporteur: the universal periodic review mechanism of the Human Rights Council and how it relates to human rights defenders, and popularization of the Declaration. Given that the review is in its very first stages, the Special Rapporteur considers it strategic to flag the importance of that newly created mechanism, in view of its potential to become an instrument for the review of the situation of human rights defenders throughout the world, before devoting her future report to the Human Rights Council to the mechanism. As a contribution to the popularization of the Declaration on human rights defenders, and inspired by the tenth anniversary of the Declaration, the Special Rapporteur annexes to the present report a number of key messages outlining principles and positions concerning defenders and the Declaration, which can be used in awareness-raising and outreach activities to mark that occasion.

II. The mandate

7. The Human Rights Council reviewed the mandate on the situation of human rights defenders and renewed it in its resolution 7/8 using the title of Special Rapporteur. In paragraph 2 of the resolution, the Council outlined the terms of reference of the Special Rapporteur, who is mandated:

(a) To promote the effective and comprehensive implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through cooperation and constructive dialogue and engagement with Governments, relevant stakeholders and other interested actors;

(b) To study, in a comprehensive manner, trends, developments and challenges in relation to the exercise of the right of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(c) To recommend concrete and effective strategies to better protect human rights defenders through the adoption of a universal approach, and to follow up on these recommendations;

(d) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(e) To integrate a gender perspective throughout the work of his/her mandate, paying particular attention to the situation of women human rights defenders;

(f) To work in close coordination with other relevant United Nations bodies, offices, departments and specialized agencies, both at Headquarters and at the country level, and in particular with other special procedures of the Council;

(g) To report regularly to the Council and the General Assembly.

8. The resolution recognized the fundamental contribution of the collaboration of Governments with a view to fulfilment of the mandate. In its paragraphs 3 and 4, the Human Rights Council urged all Governments to cooperate with and assist the Special Rapporteur in the performance of his/her tasks, to provide all information and to respond to communications transmitted by the mandate holder without undue delay and called upon Governments to seriously consider responding favourably to the requests of the Special Rapporteur to visit their countries and to enter into a spirit of constructive dialogue with the Special Rapporteur.

9. The Special Rapporteur appreciates in particular the appeal made in the resolution to follow up on and implement her recommendations so that she can carry out her mandate effectively. The Special Rapporteur shares the approach of the Human Rights Council and believes that follow-up and implementation are the decisive elements required to make a real difference on the ground for human rights defenders.

10. In both paragraphs 3 and 4, in fact the provisions of paragraphs 8 and 9 of resolution 62/152 of the General Assembly, are reiterated. That resolution has other important provisions: (a) an appeal to Governments for full implementation of the Declaration on human rights defenders, with a particular emphasis on rights instrumental to the work of defenders, such as freedom of expression and association (paras. 1 and 5); (b) a condemnation of attacks against defenders and an appeal for the protection of defenders (paras. 3 and 4); (c) a warning that any measures to combat terrorism and threats against national security must not hinder the work of human rights defenders (para. 6); (d) an appeal for an end to impunity for attacks, threats and violations against defenders, including gender-based violence (para. 7); and (e) an invitation to translate the Declaration on human rights defenders into national languages, to improve its dissemination, to raise awareness and to undertake training activities to improve understanding of the work of defenders, its importance and the need to protect it (paras. 10 and 11).

11. In addition to promoting the implementation of the Declaration and the other international human rights instruments, which will continue to constitute the legal framework for the fulfilment of her mandate, the Special Rapporteur intends to promote the implementation of those provisions of resolution 62/152 as policy and programmatic priorities that will guide her activities.

III. Methods of work

12. The Special Rapporteur has adopted methods of work that build on those developed by the Special Representative of the Secretary-General on the situation of human rights defenders, in compliance with the Code of Conduct for special procedures mandate holders of the Human Rights Council and consistent with the methods of work for special procedures as described in the Manual of Operations of the Special Procedures of the Human Rights Council, adopted at the fifteenth annual meeting of special procedures mandate holders, held in June 2008.

A. Communications

13. Since the beginning of her tenure, the Special Rapporteur has been sending communications regarding allegations of human rights violations against human rights defenders. She has been sending an average of 40 communications per month. Communications remain a major means of protection that the mandate can provide to human rights defenders. In a spirit of constructive dialogue, the Special Rapporteur will continue to send them to concerned Governments in the common efforts to prevent human rights violations, to protect human rights defenders, to investigate allegations and to prosecute perpetrators.

14. Communications also provide a basis for the analysis of thematic and geographic trends related to human rights defenders. The Special Rapporteur is keen to continue studying communications and considers them a basis for her analysis and for the formulation of specific recommendations that will emerge from such analysis.

15. The Special Rapporteur is aware of the challenges posed by follow-up to communications and intends to intensify work in that area, in particular by engaging with relevant stakeholders who can, within the framework of their own mandates and roles, follow developments in the individual cases and situations reported in communications. Here, the Special Rapporteur is thinking in particular of the following: (a) Governments and their responsibility to cooperate with the mandate holder in clarifying matters brought to their attention; (b) the sources of communications, with respect to whom the Special Rapporteur intends to strengthen dialogue and improve feedback regarding the cases brought to her attention; (c) regional mechanisms aimed at enhancing their proximity to and knowledge of national situations within their respective regions; (d) national institutions, especially those mandated to receive complaints, which can follow individual cases by carrying out activities such as visiting defenders, monitoring their trials and providing legal assistance; (e) diplomatic communities, in particular those that have specific guidelines for the protection of human rights defenders, such as the 2004 European Union Guidelines on Human Rights Defenders,[1] the 2005 Norwegian guidelines on human rights defenders[2] and the 2008 Declaration of the Committee of Ministers on the Council of Europe action to improve the protection of human rights defenders and promote their activities,[3] or that might adopt such guidelines in the future; and (f) the field presences of OHCHR and other human rights components in United Nations country teams and peacekeeping missions.

B. Country visits

16. Country visits are the most effective means at the disposal of mandate holders to make a difference on the ground in terms of fact-finding, monitoring, recognizing and protecting defenders and making policy decisions, including in response to the momentum created by missions carried out by special procedures mechanisms.

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[1] Available at www.consilium.europa.eu/csm3_fo/showPage.asp?id=822&lang=en&mode=g.

[2] Available at www.regjeringen.no/upload/UD/Vedlegg/defenders.pdf.

[3] In particular, paragraph 2 (xi) calls Member States to provide measures for swift assistance and protection to human rights defenders in danger in third countries, such as, where appropriate, attendance at and observation of trials and/or, if feasible, the issuing of emergency visas.

17. Country visits will remain a central pillar of the activities of the Special Rapporteur. On the basis of the visits undertaken by the Special Representative, as well as the requests for her visits, together with emerging trends identified through, inter alia, the analysis of communications, the Special Rapporteur recently sent requests for invitations to visit a number of countries in every region. She hopes that her requests will be met favourably by the Governments concerned so that a programme of missions can be envisaged for the medium and long terms.

18. The Special Rapporteur undertook her first country mission in July 2008; she visited Togo from 28 July to 4 August. The visit was made jointly with the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights. It was the first mission of its kind to be made with a regional mechanism and thus marked the most advanced form of collaboration to date between the mandate holder and a regional mechanism. Through the mission, the Special Rapporteur sent a strong and concrete signal of her intention to pursue collaboration with regional mechanisms in implementing her mandate.[4]

C. Reporting and thematic studies

19. The Special Rapporteur reports periodically to the Human Rights Council and the General Assembly. In addition to her reports on the communications sent to and received from Governments and the reports on the country visits made, the Special Rapporteur will fulfil her reporting obligations by looking into thematic areas that will complement the body of knowledge developed by the Special Representative and by exploring new areas of analysis that will deepen understanding of the Declaration on human rights defenders and the many facets of the work of defenders and the challenges that they face.

20. Thematic studies and reports will be prepared by using a combination of methods: (a) research and analysis undertaken by the mandate holder with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), including the analysis of previous reports and communications related to the mandate; (b) requests for inputs to stakeholders, including through the use of questionnaires addressed to Governments and international organizations, including United Nations country teams, national institutions, civil society organizations and regional mechanisms; (c) the organization of expert seminars and other events to encourage contributions from experts, defenders and practitioners in a more interactive format that would result not only in an outcome — i.e., the report — but also in a process of dialogue and exchanges concerning themes relevant to human rights defenders.

21. In addition, the Special Rapporteur considers the 2006 report of the Special Representative to the Commission on Human Rights (E/CN.4/2006/95/Add.5) to be a milestone that deserves follow-up. The report contains profiles of 118 countries providing information and analysis concerning the situation of human rights defenders and the implementation of the Declaration. With its analysis of positive developments and remaining challenges, the report is a benchmark in the assessment of progress made in the implementation of the Declaration. A regular update of the

[4] The report on the mission will be presented to the Human Rights Council at its tenth session, in March 2009.

report would make it possible to measure change over time. That would be particularly useful in the context of the Universal Periodic Review of the Human Rights Council, to which updated versions of the report on countries could contribute meaningfully. Those are among the reasons that updating the report on country profiles should be identified as one of the goals of the Special Rapporteur for the period 2009-2010. Mindful of the significant amount of resources required for such an undertaking, the Special Rapporteur hopes to receive adequate assistance to carry out the task.

IV. Activities

22. This section of the present report gives a brief account of the activities undertaken by the Special Rapporteur from the beginning of her tenure, on 1 May 2008, to 10 August 2008.

23. In addition to the communications that the Special Rapporteur has been sending since the commencement of her tenure, the first activity that the mandate holder carried out in her official capacity was a mission to Ezulwini, Swaziland, to participate in the forty-third session of the African Commission on Human and Peoples' Rights from 11 to 14 May 2008. On that occasion, she had the opportunity to address the African Commission, to meet its Special Rapporteur on Human Rights Defenders in Africa and to consult with human rights defenders from the region. It was an important opportunity to establish contact and a working relationship with that institution and with her counterpart at the regional level in the area of human rights defenders. This first contact with the regional mechanism immediately yielded results in the form of the joint mission to Togo referred to in paragraph 18 above.

24. From 17 to 27 June 2008, the Special Rapporteur was in Geneva to engage in consultations with stakeholders, to participate in the information session for newly appointed mandate holders organized by OHCHR and to attend the fifteenth annual meeting of special procedures.

25. While in Geneva, the Special Rapporteur engaged in a wide range of consultations, which enabled her to share her vision regarding her mandate and to obtain feedback and suggestions concerning priorities for her workplan. She met with staff of the Office of the Commissioner for Human Rights of the Council of Europe and established contact with the Unit for Human Rights Defenders of the Inter-American Commission on Human Rights. Those meetings, together with the one held in Swaziland with the Special Rapporteur on Human Rights Defenders in Africa of the African Commission, gave the Special Rapporteur the opportunity to establish links with regional mechanisms at an early stage of her tenure.

26. The Special Rapporteur had meetings and teleconferences with representatives of Permanent Missions, human rights organizations and various units of OHCHR. She hopes that some meetings with delegations that could not take place will be rescheduled during her future visits to Geneva.

27. The Special Rapporteur addressed a group of defenders from 14 countries who had participated in the seminar entitled "Working with the United Nations Special Procedures System to fight torture and other forms of ill-treatment by acting on their

economic, social and cultural root causes", held in Geneva from 23 to 27 June by the World Organization against Torture.

28. She also participated in the seminar entitled "Freedom of religion or belief and protecting vulnerable identities: a global snapshot", held in Geneva on 21 and 22 June by the academic network Focus on Freedom of Religion or Belief.

29. The Special Rapporteur has already accepted invitations to participate in other conferences and events, on which she will report in her next reports to the Human Rights Council and the General Assembly.

V. Vision and priorities

30. This section outlines the vision of the Special Rapporteur with respect to implementing the mandate entrusted to her. It is intended to serve as a road map for her activities in the months and years to come.

A. Analysis of trends and challenges

31. The Special Rapporteur believes that she can more effectively perform her overarching protection function vis-à-vis human rights defenders if she keeps abreast of the trends and patterns concerning them. An intervention in an individual case is more meaningful if it is made in a human rights context with which the Special Rapporteur is familiar. Likewise, an assessment of the situation of human rights defenders undertaken during a country visit cannot be as comprehensive as it ought to be if it ignores the broader human rights context, which ranges from the environment in which human rights defenders operate to the national and regional human rights situation, and which includes the political context.

32. Analysis of trends and challenges affecting defenders can be undertaken at various levels as part of the framework of the activities carried out in fulfilment of the mandate. In the area of communications, that means looking at previous similar or related cases; in the area of country visits, it means looking at the broader human rights context and the environment in which defenders operate. The corpus of country visits and communications, which are expected to remain at a high level, will offer opportunities to undertake further analysis of emerging trends on the basis of a solid number of cases.

33. In addition, as noted in paragraph 21 above, the Special Rapporteur regards the 2006 report on country profiles (E/CN.4/2006/95/Add.5) as the most comprehensive document analysing the situation of human rights defenders throughout the world and as a baseline for measuring the progress and setbacks resulting from the future analysis that she intends to carry out.

B. Recognition and protection for defenders most exposed to attacks and violations

34. The mandate's focus on defenders exposed to specific forms of violations and attacks will be maintained and strengthened. Such defenders need specific and enhanced protection as well as targeted and deliberate efforts to make the

environment in which they operate safer, more enabling and more accepting. Experience shows that attacks against defenders target in particular those who address human rights challenges deemed sensitive or controversial. This varies depending on several parameters, including the region, the country and the political, economic, social and cultural factors and interests concerned. The Special Representative has identified several groups of defenders that are targeted in particular for their activities to defend human rights.

35. In both thematic and country reports, specific attention has always been given to the situation of women defenders. The gender dimension of defending human rights is also among the aspects that resolution 7/8 of the Human Rights Council requests the Special Rapporteur to address. She intends to fulfil that requirement in all aspects of her work and will formulate specific recommendations in that regard.

36. It is obvious that women defenders are more at risk of suffering certain forms of violence and that they are targeted by various parts of the social and political establishment with forms of prejudice, exclusion and repudiation, in particular when they work in the area of women's rights. This can be particularly acute when women defenders are perceived as challenging cultural norms and social constructs related to gender, femininity and sexuality.

37. In her 2007 report to the Human Rights Council,[5] the Special Representative analysed groups and categories of defenders who are particularly exposed to attacks and human rights violations as a result of the kind of human rights work that they carry out. In particular, she considered the situation of defenders working to promote economic, social and cultural rights and of those working to promote the rights of minorities, indigenous peoples and lesbian, gay, bisexual and transgender people. Those defenders appear to continue to be at particular risk of attacks and violations.

38. Other groups of defenders might be at particular risk, depending on the geographic context or the thematic areas addressed. In some countries, defenders whose work relates to past abuses are targeted in particular. When analysing the right to protest in the context of freedom of assembly in her last report to the General Assembly, the Special Representative identified, inter alia, student protests as an area where repression and retaliation against protesters had been particularly harsh.[6]

39. Those are just two examples illustrating how both thematic and country reports can draw attention to defenders who are at particular risk. That serves a threefold purpose: (a) to enhance knowledge and understanding with regard to human rights defenders and their work, including by lending visibility to new or less familiar aspects of human rights activities, such as those carried out within the framework of article 7 of the Declaration on human rights defenders;[7] (b) to formulate tailor-made recommendations to address the protection needs of defenders; and to recognize the work carried out by defenders as human rights work. Such recognition is already a form of protection for defenders.

[5] A/HRC/4/37.

[6] See A/62/225, para. 70.

[7] Article 7 reads, "Everyone has the right, individually or in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance."

40. The number of communications sent by the Special Rapporteur is large enough to permit the identification of trends and patterns in this area. In addition, the Special Rapporteur intends to explore this area during her country visits and in her thematic reports. The focus of the Special Rapporteur on defenders at particular risk will also be part of the broader scope of the mandate and will be reflected in all her activities, including participation in conferences and interaction with stakeholders and partners.

C. Rights and freedoms of defenders

41. The Declaration reaffirms a number of rights and freedoms that are instrumental to the work of human rights defenders.

42. The Special Rapporteur considers that her overarching function of promoting the implementation of the Declaration includes studying the specific challenges and obstacles that defenders face in exercising the rights set out in the Declaration with a view to formulating recommendations aimed at overcoming challenges and removing obstacles.

43. It is apparent that exercising the right to freedom of association continues to be a challenge for defenders in many countries. Restrictive legislation regarding non-governmental organizations (NGOs), excessive State scrutiny of the management and administration of NGOs and administrative and judicial harassment prompted by minor procedural irregularities or fabricated evidence, together with other forms of retaliation against human rights organizations, continue to be reported to the Special Rapporteur.

44. She also continues to receive cases involving violations against the right to peaceful assembly, in which, inter alia, defenders are arbitrarily arrested, protests are repressed through the use of excessive police force and authorizations for demonstrations are not granted.

45. The Special Rapporteur will continue analysing the obstacles encountered and the progress made in defenders' exercise of the right to freedom of association and assembly, by complementing and updating the work already reflected in reports of the Special Representative. The Special Rapporteur is also contemplating the possibility of developing indicators to assess compliance and gaps related to the exercise of those freedoms.

46. In addition to the right to freedom of association and assembly, the Special Rapporteur will study the other rights set forth in the Declaration, by undertaking thematic studies on issues such as access to information; existing practices concerning consultations with governmental defenders; the right to an effective remedy; the fight against impunity; and access to funding.

D. Protection of human rights defenders

47. The protection of human rights defenders is a core function carried out under the mandate and the ultimate purpose of the activities and interventions of the mandate holder.

48. Proceeding from that premise, the Special Rapporteur has begun to reflect on how to reinforce the protection function entrusted to her and is interested in engaging in processes and initiatives aimed at promoting the development of strategies, programmes, institutions and mechanisms for the protection of human rights defenders under threat.

49. She is keen to develop working methods and collaboration arrangements with interested Governments, national institutions, regional mechanisms related to human rights defenders, diplomatic representatives and relevant branches of international and regional organizations to follow up on individual cases brought to her attention.

50. The Special Rapporteur is also interested in studying the data required for the development of an early warning mechanism for the protection of defenders with a view to anticipating systematic threats against them by activating the appropriate sectors of the relevant national protection system.

E. Follow-up

51. As noted in paragraph 15 above, the Special Rapporteur intends to intensify efforts to follow up, including on individual cases addressed in her communications. She will do so by strengthening her collaboration with stakeholders, as explained above.

52. The range of actors described in paragraph 15 have a role not only in following up on individual cases, but also in implementing and/or monitoring the implementation of the recommendations of the Special Rapporteur, particularly those set out in country reports.

53. In addition to the actors mentioned in paragraph 15, the Special Rapporteur believes that sources of communications and, more broadly, the entire human rights community in all its aspects at the national, regional and international levels have a role in following up on cases and recommendations. While direct contacts between the Special Rapporteur and national human rights organizations are ideal and should be encouraged, in practice it is difficult to maintain such contacts on a regular basis because of language barriers and the amount of resources needed to do so. The mediation role that international NGOs, umbrella networks and other organizations working on the ground with defenders can play in facilitating the access of national NGOs to the Special Rapporteur is fundamental in that respect, including in facilitating follow-up to individual cases.

54. Another actor that can play a positive role in monitoring the human rights situation concerning defenders — an actor that is already in the public domain — is the media. The Special Rapporteur already has a solid caseload of work involving journalists reporting on human rights and being targeted for that reason. The Special Rapporteur, like the Special Representative, regards them as human rights defenders and consistently intervenes to protect them. Their role in following up on cases at the country level through investigative journalism can make a real difference in terms of raising public awareness and shedding light on responsibilities. The Special Rapporteur will encourage the media to play their role in the promotion and protection of human rights.

F. Collaboration with stakeholders

55. Previous sections of the present report have highlighted the role that various stakeholders can play in making the activities of the Special Rapporteur meaningful and effective, in particular as regards follow-up and the roles of Governments, civil society organizations, national institutions, the United Nations system, regional mechanisms for the protection of defenders, diplomatic communities and the media.

56. While this aspect of her work need not be revisited, the Special Rapporteur wishes to reiterate once more that she will accord priority to the establishment and strengthening of solid relationships with regional mechanisms for the protection of human rights defenders, namely the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights, the Unit for Human Rights Defenders within the secretariat of the Inter-American Commission on Human Rights, the Office of the Commissioner for Human Rights of the Council of Europe and the Focal Point for Human Rights Defenders and National Human Rights Institutions within the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.

57. The Special Rapporteur welcomes the adoption, in February 2008, of the Declaration of the Council of Europe on action to improve the protection of human rights defenders and promote their activities by the Committee of Ministers of the Council of Europe and is interested in contributing to initiatives aimed at its implementation. Similarly, she is keen to contribute to efforts to improve the implementation of the 2004 European Union Guidelines on Human Rights Defenders. Both instruments have strategic value in the protection of human rights defenders. The Special Rapporteur strongly encourages the adoption of similar instruments in other regions.

58. The Special Rapporteur has already begun to collaborate with other special procedures mandate holders, in particular with regard to the communications that she sends jointly with other mandate holders. She is aware of the importance of such collaboration, which improves the effectiveness of special procedures, both as a system and in terms of individual mandates. She will consult mandate holders when planning her country visits and drawing upon the findings of previous missions undertaken by other special procedures mechanisms with the aim of complementing and reinforcing their work.

59. The work of treaty bodies is and will remain a reference for both thematic and country reports. Relevant concluding observations will serve as a basis for follow-up in future missions, and the findings and recommendations set out in the country reports of the Special Rapporteur can be followed up in subsequent examinations of the same countries by treaty bodies. The jurisprudence and general comments of treaty bodies will continue to be references for thematic studies by the Special Rapporteur, particularly those related to the rights and freedoms of human rights defenders.

G. Popularizing the Declaration on human rights defenders

60. The Special Rapporteur believes that further efforts are needed to improve understanding of the rights and obligations that the Declaration on human rights

defenders entails. Ten years after its adoption by the General Assembly,[8] the Declaration is not an instrument that is sufficiently familiar either to those who bear the principal responsibility for its implementation, namely, Governments, or to its rights-holders, namely, human rights defenders.

61. The Special Rapporteur will promote and engage in activities aimed at the popularization and dissemination of the Declaration at the national level, including by enhancing understanding of the rights and obligations that it entails — primarily, governmental accountability for its implementation — and by helping to build the capacity of defenders to ensure respect for the rights to which they are entitled under the Declaration.

62. Popularizing the Declaration will be part of the Special Rapporteur's approach to her work, to which she will add a number of ad hoc activities. For example, on the occasion of the tenth anniversary of the Declaration, she wrote to all Governments through their Permanent Missions in Geneva, encouraging them to translate the instrument into national languages, as the General Assembly recommends in paragraph 10 of its resolution 62/152. The Special Rapporteur has developed a website on which versions of the Declaration in various languages are made available.[9] She hopes that Governments will respond positively to her invitation and that the Declaration will soon be accessible in many other languages on the Special Rapporteur's website. She has also extended the same invitation to national institutions, civil society organizations and OHCHR field presences.

63. As a further contribution to the popularization of the Declaration, the Special Rapporteur annexes to the present report a number of key messages outlining principles and positions regarding defenders and the Declaration that can be used for awareness-raising and outreach activities concerning human rights defenders. The Special Rapporteur encourages the organization of activities to mark the tenth anniversary of the adoption of the Declaration, together with the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, and hopes that those messages can be used on those and other occasions.

64. In the years to come, the Special Rapporteur will undertake other activities aimed at popularizing the Declaration, such as the development of a manual or set of guidelines for various stakeholders on how to use and implement that instrument.

H. Good practices

65. The protection and monitoring role to be played in accordance with the mandate inevitably results in more reporting on violations affecting defenders rather than on good practices in the area of protecting them and promoting the right to defend human rights. While the protection function carried out under the mandate will remain predominant, the Special Rapporteur is keen to study, share and report on good practices related to human rights defenders. She believes that greater awareness of good practices in that area will encourage their adoption and will therefore contribute to better implementation of the Declaration.

[8] Resolution 53/144, annex.

[9] http://www2.ohchr.org/english/issues/defenders/translation.htm.

66. The Special Rapporteur sees her engagement in activities aimed at the sharing of good practices related to human rights defenders, particularly at the regional level, as part of her overarching priority of popularizing the Declaration.

67. She will pursue that aspect of her work through participation in conferences and events on human rights defenders; through country visits, during which she will also look into good practices; and through analysis of trends and challenges, which she will undertake periodically.

68. The universal periodic review mechanism of the Human Rights Council can be another forum in which good practices related to human rights defenders can be shared and reported upon. That point will be expanded upon in the following section.

I. Universal periodic review mechanism

69. In her last report to the Human Rights Council, the Special Representative noted that the universal periodic review can be an opportunity to monitor the situation of human rights defenders in countries reviewed by the Council. She therefore encouraged Governments and other stakeholders to report on the situation of human rights defenders in national reports or in contributions submitted with a view to the preparation of the reports on which the review is based.[10]

70. The Special Rapporteur also considers the universal periodic review mechanism to be of strategic value in improving the situation of human rights defenders in the countries under review. As the Declaration is not a binding instrument and does not have a reporting mechanism, as a treaty-bodies system does, the potential of the mechanism is even bigger.

71. In view of the strategic value of the universal periodic review, the future report of the Special Rapporteur to the Human Rights Council will be devoted entirely to it with a view to the formulation of recommendations that will contribute to improving its effectiveness regarding the situation of human rights defenders.

72. To that end, the Special Rapporteur intends to share good practices that might emerge in this area, in terms of: (a) consistent analysis of the situation of human rights defenders in the universal periodic review reports; (b) precise and measurable recommendations concerning human rights defenders; (c) consultation with and participation by civil society at the national level; (d) a proactive attitude on the part of delegations in addressing human rights defenders; (e) the implementation of the recommendations resulting from universal periodic reviews concerning human rights defenders, including other elements of analysis that might emerge in the future.

VI. Conclusions and recommendations

73. **The present report outlines the vision and the priorities of the Special Rapporteur, which she wishes to share with Member States and other**

[10] See A/HRC/7/28, paras. 86-88.

stakeholders in a spirit of openness and transparency. She hopes that the same spirit will characterize her relationships with them throughout her tenure.

74. **The Special Rapporteur will interpret her mandate while building on the achievements of the previous mandate holder, the knowledge base developed and the methods of work used.**

75. **Inasmuch as the core function carried out under the mandate is the protection of human rights defenders, the Special Rapporteur will place strengthened emphasis on the promotion aspect of her role by focusing on good practices related to the protection of defenders and the promotion of the defence of human rights and by popularizing the Declaration.**

76. **In her future reports to the General Assembly and the Human Rights Council, the Special Rapporteur will have the opportunity to make many recommendations. She has already made a number of them in the body of the present report. In concluding the report, she wishes to reiterate the request made in the resolution renewing her mandate, which urges all Governments to collaborate with the Special Rapporteur. She therefore calls on them to respond favourably to her requests for invitations to visit countries, and to her requests that initiatives be undertaken to translate and disseminate the Declaration on human rights defenders, and that activities be organized to mark the tenth anniversary of the adoption of that instrument.**

Annex

Key messages concerning human rights defenders ten years after the adoption of the Declaration on human rights defenders, ten messages to raise awareness about defenders

On the occasion of the tenth anniversary of the adoption of the Declaration on human rights defenders and with the purpose of further popularizing that instrument, the Special Rapporteur wishes to bring the following messages to the attention of the international community.

1. **Human rights defenders**. Human rights defenders are those who, individually or together with others, act to promote and protect human rights. It is their activities in the defence of human rights that makes them human rights defenders.

2. **The Declaration on human rights defenders is an international instrument for the protection of the right to defend human rights**. The Declaration reaffirms rights that are instrumental to the defence of human rights, including, inter alia, freedom of association, freedom of peaceful assembly, freedom of opinion and expression, and the right to gain access to information, to provide legal aid and to develop and discuss new ideas in the area of human rights. Implementing the Declaration is a precondition for the creation of an enabling environment that enables human rights defenders to carry out their work. National laws, including, in particular, legislation regulating the activities of civil society organizations, should uphold the principles of the Declaration.

3. **An enabling environment for human rights defenders**. The activity of defending human rights can be carried out safely and effectively if the environment in which defenders of such rights operate is conducive to their work. The enjoyment of the rights and freedoms set out in the Declaration is the primary element of an enabling environment. Other factors that contribute to such an environment are: the existence of effective and independent national human rights institutions; systematic collaboration with public authorities; the systematic participation of defenders in decision-making, including in the areas of law and policy, through institutionalized processes of consultation; policies related specifically to human rights defenders; human rights education policies and programmes; and open support for defenders on the part of public authorities and the political establishment.

4. **The protection of human rights defenders has a multiplying effect on the protection of human rights**. Human rights defenders are on the front lines of the protection and promotion of human rights in their countries. Protecting those who defend human rights has a multiplying effect on the broader promotion and protection of human rights. Conversely, wherever human rights defenders are under attack, respect for human rights is curtailed. The situation of human rights defenders is therefore a fundamental indicator of the situation of human rights in countries, and the protection of defenders is an indispensable element of the social and institutional framework for the protection of all human rights.

5. **A wide range of protection measures**. The primary responsibility for the protection of human rights defenders lies with Governments. Protection measures vary depending on the security risks faced by defenders. Ranging from security measures applied by the police to the analysis of patterns of attack against defenders, witness protection programmes, the investigation and prosecution of the

perpetrators of attacks against defenders and public recognition and acknowledgement of the work of defenders and condemnation of attacks against them, Governments can undertake a vast array of actions to respond to the protection needs of defenders. Protection can also be ensured by other actors, including defenders themselves and their networks; the judiciary, with its fundamental role in ending impunity; human rights mechanisms at the national, regional and international levels, including those established specifically for the protection of human rights defenders; the diplomatic community, with its good offices and diplomacy tools, including the issuance of emergency visas; and the media, which report on and lend visibility and recognition to the work of defenders. A combination of a broad range of protection measures is often the best response to ensure adequate protection for defenders under threat.

6. **End impunity for violations against human rights defenders**. The inability to investigate, prosecute and convict perpetrators of attacks and violations against defenders exposes them to greater risks and strengthens the public perception that human rights can be violated with impunity. Breaking that vicious circle of impunity is a fundamental contribution to the protection of defenders and of human rights more broadly.

7. **Political will is often a decisive factor in bringing about real change**. Legislation, policies and institutions are indispensable factors in creating an enabling environment for defenders. However, the attitude of the political establishment can make a fundamental difference in the effectiveness of legislative and institutional frameworks. Very often, firm public stands in support of human rights defenders can transform a situation of vulnerability for defenders into one of empowerment.

8. **Protection and recognition for defenders most exposed to attacks and violations**. Attacks against defenders are targeted in particular at those who work to overcome human rights challenges deemed sensitive or controversial. This varies depending on several parameters linked to the human rights context. In general, more efforts are needed to recognize and protect women human rights defenders and defenders working to promote economic, social and cultural rights, as well as those working to uphold the rights of minorities, indigenous peoples and lesbian, gay, bisexual and transgender people. Those defenders need specific and enhanced protection, as well as targeted and deliberate efforts to make the environment in which they operate a safer, more enabling and more accepting one.

9. **The gender dimension of the defence of human rights**. Women defenders have been and remain a vibrant part of the human rights movement. In several countries, women defenders are the leading force in the human rights community and women's organizations are the sector of civil society with the most social capital. However, women defenders — particularly those working in the area of women's rights — are at greater risk of being targeted by forms of prejudice, exclusion and repudiation by various parts of the social and political establishment. Analysis of the gender dimension of the work carried out in the defence of human rights is fundamental to addressing the protection needs and the legitimacy gaps that may affect women defenders. Parameters such as the level of participation, the number of organizations and the degree of representation related to women defenders, the prominence of women's rights on the agendas of defenders and

patterns of gender-based violations against the human rights of defenders are to be taken into account when assessing the situation of human rights defenders.

10. **Establish and strengthen regional human rights mechanisms for the protection of defenders**. In recent years, mechanisms for the protection of human rights defenders have been established at the regional level within regional intergovernmental organizations. These include the Special Rapporteur on Human Rights Defenders in Africa of the African Commission on Human and Peoples' Rights, the Unit for Human Rights Defenders within the secretariat of the Inter-American Commission on Human Rights, the Office of the Commissioner for Human Rights of the Council of Europe and the Focal Point for Human Rights Defenders and National Human Rights Institutions within the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. Those mechanisms complement and reinforce the protection role of the United Nations Special Rapporteur on the situation of human rights defenders and are well placed to closely monitor the situation of defenders. They deserve support and resources so that they can implement their mandates. Furthermore, consideration should be given to the establishment of a regional mechanism in Asia.